

§ 1550.5 Program participation and benefits.

(a) *Scope.* This section establishes requirements applicable only to participation in Market Development Project Agreements and any other agreement with FAS that specifically incorporates the provisions of this part.

(b) *General.* It is the policy of FAS to insure that the benefits generated by agreements are as broadly distributed throughout the relevant agricultural sector as feasible and, particularly, that no program participant derive an unfair advantage or benefit from activities conducted pursuant to the agreement, whether funded with project funds or industry contributions.

(c) *Industry Participation.* When required by FAS, program participants shall promptly furnish to FAS for approval its criteria for the selection of U.S. agricultural industry representatives to participate in activities conducted pursuant to the agreement such as trade teams, sales teams, and trade fairs, and its criteria for the selection of firms to participate in U.S. brand-identified promotions. Such criteria must ensure participation on an equitable basis by a representative cross section of the relevant U.S. agricultural industry. If FAS requests submission of criteria for approval, the program participant shall not use criteria disapproved by FAS after the program participant has been notified of FAS's disapproval.

(d) *Distribution of Information.* All program participants shall provide, on a timely basis, upon request of any entity in the United States, other than a representative of a foreign government, any and all data developed and produced with project funds or contributions. Any fee charged in connection therewith may not exceed the costs incurred in assembling, duplicating and distributing the requested material.

(e) *Export Activities and Related Services.* (1) Neither program participants nor their affiliated organizations shall, during the term of the agreement, make export sales of agricultural commodities of the kind which are promoted, in whole or in part, with project funds.

(2) Neither the program participants nor affiliated organizations may assess fees for services provided to exporters in facilitating an export sale if the promotional activities intended to directly result in that specific export sale are supported, in whole or in part, by project funds. This paragraph applies to activities such as those involving discussions with potential buyers or the solicitation of specific sales including activities performed by sales teams and performed through trade fairs rather than activities of a more general promotional nature. This paragraph does not apply to checkoffs or membership dues based on commodity sales, when such assessments are a condition of membership in the participating organization.

(3) Participants in approved program activities shall not use the activities to promote private self-interests or conduct private business, except as members of sales teams or as part of a U.S. brand-identified promotion when such activities are specifically approved by FAS.

§ 1550.6 Compliance with program requirements.

(a) Within 30 days after the effective date of these regulations, program participants shall submit a written statement to the Administrator, FAS, that neither they, nor their affiliated organizations, will make export sales of agricultural commodities promoted, in whole or in part, with project funds during the term of any agreement between the program participant and FAS within the scope of § 1550.5. FAS may from time to time require program participants to submit certifications as to export sales for purposes of this part.

(b) In the event of noncompliance with any provision of these regulations, FAS may disallow a claim submitted under an agreement for expenses incurred after the effective date of these regulations or terminate the agreement in addition to any other remedy available to FAS.

§ 1550.7 Paperwork Reduction Act assigned number.

Information collection requirements contained in these regulations have